THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 10765 OF 2006

Dated 31st May 2006

Between:

V.Estari

…Petitioner

and

The Commissioner, Endowments,

Boggulakunta, Hyderabad & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10765 OF 2006

O R D E R:

The petitioner is a lessee in respect of premises belonging to Sri Laxminarasimha Swamyvari Devasthanam, Yadagirigutta. The Assistant Commissioner of Endowments, the 3rd respondent herein, filed O.A.No.16 of 2001, before the Deputy Commissioner of Endowments, the 2nd respondent herein, for declaring the petitioner as an encroacher and for eviction. Through order dated 29.10.2005, the 2nd respondent allowed the O.A., and directed eviction of the petitioner. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner, learned Standing Counsel for Devasthanam and learned Government Pleader for Endowments.

The 2nd respondent has undertaken extensive discussion, while directing eviction of the petitioner. The petitioner does not cite any subsisting lease in his favour, as on today. The lease that was granted to him expired, long back. Reference was made to the orders passed by this court in W.P.No.9804 of 1993. It was also observed that the premises in question are part of a choultry. In that view of the matter, this court is not inclined to interfere with the order of eviction.

Learned counsel for the petitioner submits that in case, the premises are put to same use, the rights of the petitioner be protected.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that;

a. in case, the Devasthanam does not intend to lease the premises to any commercial use, after evicting the petitioner, no further steps need be taken.

b. If the Devasthanam intends to grant lease for the said premises, it shall be only through public auction, and if the petitioner is willing to pay the rent, which is fetched as highest bid in the auction, the petitioner shall be granted fresh lease, in accordance with law.

There shall be no order as to costs.

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31st May 2006

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